

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	Chapter:	7
	)		
James Samatas,	)	Case No:	20-17355
	)		
	)	Judge:	Hon. Janet S. Baer
Debtor.	)		

**NOTICE OF MOTION TO COMPEL DEBTOR TO MAKE REAL ESTATE  
AVAILABLE FOR INSPECTION**

TO: See Attached Service List

PLEASE TAKE NOTICE THAT ON **January 12, 2022, at 1:00 p.m.**, or as soon thereafter as Counsel may be heard, I will appear before the **Honorable Judge Janet S. Baer**, or any Judge sitting in her stead, and present the attached Trustee's Motion to Compel Debtor to Make Real Estate Available For Inspection and Marketing.

**This motion will be presented and heard telephonically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must do one of the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is **160 731 2971** and the password is **587656**. The meeting ID and password can also be found on the Judge's page on the Court's website.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Thomas E. Springer  
Joshua D. Greene  
Springer Larsen Greene, LLC  
300 S. County Farm Road, Ste. G  
Wheaton, IL 60187  
630-510-0000

**CERTIFICATE OF SERVICE**

I, Joshua D. Greene, an attorney, on oath state that I caused to be served this Notice and proposed Order by mailing and/or electronically serving where available a copy to all parties shown and depositing same in the U.S. Mail at 300 S. County Farm Road, Wheaton Illinois before 5:45 p.m. on January 5, 2022 with proper postage prepaid.

/s/ Joshua D. Greene /s/

**Service List**

**Via Electronic Service:**

**All parties entitled to ECF Notification through the U.S. Bankruptcy Court, Northern District of Illinois, including but limited to:**

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**Via United States Mail**

James Samatas  
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IN RE: ) Chapter: 7  
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Debtor. ) )

**TRUSTEE'S MOTION TO COMPEL DEBTOR TO MAKE REAL ESTATE  
AVAILABLE FOR INSPECTION**

NOW COMES Frank J. Kokoszka, Trustee, by and through counsel, Springer Larsen Greene, LLC, pursuant to 11 U.S.C. §521, and request entry of an order compelling the Debtor to make real estate at 9 Natoma Drive, Oak Brook, Illinois available for inspection and marketing by the Trustee's realtors. In support hereof, the Trustee respectfully states to the Court as follows

**BACKGROUND**

1. On September 21, 2020, the Debtor filed a petition for relief under Chapter 11 of the United States Bankruptcy Code (the "Code") under 11 U.S.C. §101 et. seq
2. The case was converted to chapter 7 on March 8, 2021. Frank J. Kokoszka ("Trustee") was appointed as Chapter 7 Trustee and continues to serve in that capacity
3. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1334. Venue is proper pursuant to 28 U.S.C. §§1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. §157(b).
4. Among the assets of the Bankruptcy Estate is the Debtor's ownership interest in real estate located at and commonly known as 9 Natoma Drive, Oak Brook, Illinois (the "Property") which is owned by the Debtor through the James Samatas Revocable Trust. The Property is listed on the Debtor's Schedule A/B as having an estimated value of \$3,000,000, and

is subject to a lien in favor of Bank of America of approximately \$1,800,000. Trustee believes that a sale of the Property would generate substantial net proceeds for the estate.

5. On July 19, 2021, Trustee was authorized by the court to employ Sarah Maxwell and Joe Hosch to market the Property for sale, with any fees and expenses to be paid on motion and court approval.

6. In order to market the Property, the Trustee's real estate agents must have access to the Property in order to first take pictures, and then show the Property to interested purchasers.

7. Trustee, through his counsel, has attempted to obtain a time in which the realtors may access the Property in order to take pictures. However, as of the date of this filing, the Debtor has provided no response. Indeed, the Debtor's lack of response is consistent with other matters in this case where the Trustee has been stonewalled, as the Debtor has refused to provide information regarding his vehicles and has refused to answer written discovery in contested matters in this case. It is clear based on the Debtor's lack of response that he has no interest in cooperating and court intervention will be necessary.

8. Section 521(a)(3) of the Bankruptcy Code requires the Debtor to "cooperate with the trustee as necessary to enable the trustee to perform the trustee's duties under this title." Here, the Debtor has failed to cooperate with the Trustee as shown by his lack of responsiveness to any of the Trustee's recent queries. Accordingly, Trustee requests entry of an order requiring the Debtor to make the Property available to the Trustee's realtor within seven days of the date of this Motion, as well as to make the Property available for any future showings upon 48 hours' notice from the Trustee's realtor.

**WHEREFORE**, the Trustee respectfully requests this Court enter an Order compelling Debtor to make the Property available for inspection and future showings by the Trustee's realtor, and such other and further relief as this Court deems just and equitable.

DATE: January 5, 2022

Respectfully Submitted,  
Frank J. Kokoszka, Trustee

By: /s/ Joshua D. Greene  
One of his Attorneys

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